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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,495	05/10/2001	Yosuke Hosoya	09792909-5030	4893
26263	7590	03/10/2004	EXAMINER	
SONNENSCHN NATH & ROSENTHAL LLP P.O. BOX 061080 WACKER DRIVE STATION, SEARS TOWER CHICAGO, IL 60606-1080			WEINER, LAURA S	
			ART UNIT	PAPER NUMBER
			1745	

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,495

Applicant(s)

HOSOYA, YOSUKE



Examiner

Laura S Weiner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 10-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2-12-04 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Specification

3. The amendment filed May 20, 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: There is no support for where M is ...and 5B group transition metal elements. There is only support for the element V.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 103

4. Claims 1-5, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biensan et al. (6,071,645) in view of Reimers et al. (6,146,694 or 6,416,904)

Biensan et al. teaches in column 2, line 65 to column 3, line 20, a lithium cell comprising a negative electrode comprising lithium metal, lithium alloys or carbons such as graphite, vitreous carbon, coke; a positive electrode and an electrolyte. Biensan et al. teaches in Example 8, that the electrolyte was a mixture of PC/EC/DMC. Biensan et al. teaches an electrode comprising $\text{Li}_x\text{M}_y\text{A}_m\text{D}_z\text{O}_t$ where x can equal 1; M can be cobalt or nickel, A is magnesium or calcium and D is selected from groups 4b to 5a of the periodic table. Biensan et al. teaches in Example 7, that y can be 0.90, A can be Mg while m is 0.05 and z can be 0.05. Biensan et al. teaches in Table 1, column 5, that D can be Al, Mn, Fe or Cr. Therefore, Biensan et al. teaches $\text{LiCo}_{0.90}(\text{Al}, \text{Mn}, \text{Fe}, \text{Cr})_{0.05}\text{Mg}_{0.05}\text{O}_2$.

Biensan et al. discloses the claimed invention except for specifically teaching that the positive active material and the negative active material are each coated on both surfaces of a metal foil.

Reimers et al. ('694) teaches in column 3, lines 3-45 and Reimers et al. ('904) teaches in column 2, lines 9-51, a cathode comprising a cathode material, LiCoO_2 , a binder and a conductive dilutant coated on a thin aluminum foil web and an anode comprising graphitic carbon coated on a thin copper foil. Reimers et al. teaches that generally manufactures coat both sides of the foil substrate in order to minimize the net thickness of substrate appearing in the assembled battery.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to coat the negative and positive active material on both sides of their substrates because Reimers et al. teaches that this is done in order to minimize the net thickness of the substrate.

Claim Objections

5. Claims 3-5, 7-20 are objected to because of the following informalities: These claims are objected to because they currently do not contain the correct claim identifier. Appropriate correction is required.

Allowable Subject Matter

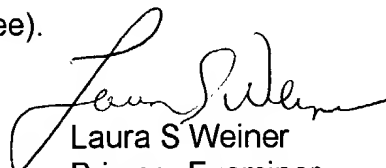
6. Claims 10-20 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura S Weiner whose telephone number is 571-272-1294. The examiner can normally be reached on M-F (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Laura S Weiner
Primary Examiner
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March 3, 2004